App. F. IX-4

Previous Reference

193 9. 30
Law

File No. 91-29
Serial Nos. 4

Later References

Preserve
M
17.2.43

General and Revenue Secretariat.

Serial Nos.

Part B for Nov 1930

SUBJECT.

Serial No.

Letter N 7309/1213 Dated 28th May 1929 from the District[illegible], Bangalore, stating that the Plaintiff in O.S. No. 17 of 1928-29 in the file of his Court (Mr. T. R. Srinivasan Vs. Mr. Mahomed Akbar Khan) has summoned the Chief Secretary to Government Mr. V. Ranga Rao, as a witness on his behalf and requesting the Chief Secretary to make it convenient to appear before the Court personally on 10th July 1929 at 11 a.m. to give evidence and to produce the statement of Mr. Akbar Khan before the Visvesvaraya Committee both in Public and in Camera

Is/Is there an order that the evidence given in camera is to be treated as confidential? Was/Is privilege claimed for the same by the Court by Mr. Ranganathaiyar? What happened to the claim?

RS
21/5/29

The papers leading to G.O.No. 2781-3/GB-38-28-305 dated 6th Dec. 28 declaring that "In camera" evidence being unpublished official records would not be permitted to be produced before a Court, are put up.

As to the actual proceedings in the Court in this connection, Mr. Noronha may perhaps be consulted.

CJ 29/5/29

Addl. Secretary for Finance

RS
30/1—

WD 021—GPB—30,000—21-8-28

5599/24
p 8/24

2

App. F. III—2]

General and Revenue Secretariat | File No. | of 192

Serial No.

The privilege claimed by Mr. Madhava Rao myself before the 1st Class Bench was rejected and I understand Govt had appealed to the High Court. I am not aware of the further progress in the matter. Perhaps the L. R. or the Govt. Advocate may be able to throw some light on it.

H. Lee.)

Cen
31.5.29

Legal Remembrancer with compts

RR
31/5/29.

No one was passed by the 1st Class Bench Court is not correct. The Bench no appeal has been filed. Privilege has to be claimed before the 1st Judge, and the Govt Advs has to be instructed to argue the point & have case again.

D mc
6/6

2

Papers to
D mc
6/6

Serial No.

K.O.No. 68-28/C.B.
& 10.6.29

GOVT. ADVOCATE'S OFFICE. 11 JUNE 1929 BANGALORE.

Forwarded with Compts to Govt Advocate in Mysore.
R Ramesh
Sch Secy to Govt
10/6/29

I will argue the question of privilege before the Dt. Judge on Wednesday, the 12th inst.
M. Ramachandra Rao
Govt. Advocate
11.7.29

No. 69 & 2/29-30
dt 2.7.1929.

From the Govt. Advocate
No. 69 & 20.7.29

~~Forwards~~ States that the question of privilege was argued by him before the Dt. Judge on the 13th & the 15th July 29 & forwards a copy of the order passed ~~thereon~~ allowing the privilege claimed.

Submitted for perusal.

The Govt Advocate also wants reconfirmation of Rs 2-13-0 incurred for obtaining a copy of the order & stamp fee on application Orders solicited as to the source from which it is to be met.

5 4

From

the Second Magistrate
Bangalore

To

the District Magistrate,
Bangalore

Dated 20th July 1921

Sir,

I have the honour to state that on 30-7-29 the two defamation cases Viz D. Shama Rao vs. Mr. Abbas Khan and Mr. Somasekhara Rao vs. Mr. Nelgiri Sanjeevaiah are posted for argument on the question of privilege claimed by Government regarding the In-Camera Evidence and certain other documents mentioned in the evidence of Mr. C.E Norohoha and I request you Sir to inform this fact to the Chief Secretary or the Law Secretary so that the Government may be represented on the day of arguments by the Govt Advocate.

I have herewith enclosed the depositions of Mr. C.E Norohoha for perusal by the Govt Advocate. I have forwarded a copy of this letter to the Chief Secretary, [illegible]

CB 338

I have the honour to be
Sir
Your most obedient Servant

Signed K. Thirumalacharlu Pantulu

I Class Magistrate
II Court
Bangalore

OFFICE
23 JULY 1929

Copy of the above is forwarded herewith with the compliments to the Chief Secretary to the Govt of His Highness the Maharaja of Mysore, Bangalore for information.

H Vasudeva Rao Cr

Please see the above Petition and advise thereon

RG 20/7/29

Magistrate of the First Class & Second Court Bangalore

Submit to Law Secy with previous papers.

Secy (P. M.) 22/7

hw 22/7/29.

L. O No. 6 B 23-7-1929.

Forwarded with Compts to the Govt Advocate in Mysore

GOVT. ADVOCATE'S OFFICE
23 JULY 1929
BANGALORE.

B. G
R. Rangaiah
23.7.29
Asst to S

App. F. III—2]

General and Revenue Secretariat.

File No. of 192

Serial No.

I argued the question of Privilege, before the Special I Class Magistrate, Second Court, on the 30th and 31st ultimo and orders were pronounced , allowing the Privilege claimed by Government, on the 17th instant. The result has also been communicated to the Law Secretary the same day.

23rd Aug. 1929.

Government Advocate.

May be filed along with similar papers re: Court Summons- (with M M & N)

P&G 26/8/29

G.R.S. III—3]

7

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

6 1894 a

D. O. No. 1529

In reply please refer to

Tel. Address:—
"JURIST," Bangalore

OFFICE OF THE GOVERNMENT ADVOCATE,
IN MYSORE,

Bangalore. 17th August *1929.*

Dear Mr. Mahadevayya,

I write to inform you that the Privilege Question which was argued some time back before the First Class Magistrate, Second Court, Bangalore was decided in favour of Government to-day.

Yours sincerely,

M. Narasimha Rao

(1) Send for remarks.

17/8

3rd Monday

Remarks for a copy of judge's order passed by the Chief Judge in the 10 inst. 19/8/29

P. Mahadevayya, Esq., B.A., B.L.,
Secretary to Government,
Law Department, BANGALORE.

(3) Copy of the order passed by the Chief Judge on the privilege question sent to the Chief Secy by the Govt Advocate.

Perhaps the C.B may be requested to put it up.

(4) To the Conf. Br for Kind compliance

24/8/29

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(x may perhaps be received in the Law Secrett.).

Law 26/8/29

(x) The papers referred (obtained from the Office Branch where ~~they have~~ the file had been seen for remitting the copying charges to the Govt. Advocate) are put up herewith.

Submd
CJR 26/8/29

may kindly be submitted to d. R. Refee para 2 supra.

DMP 27.8.29 28-8-29

From

A. SREENIVASA RAGAVACHARI, Esq., B.A., B.L.,
District and Sessions Judge,
Bangalore Division,

No. 209/1214 Dated 20 Nov 29
Sec C/S- 28

To CB. 4270.

R. RANGA RAO, Esq., B.A., B.L.
Chief Secretary to Government
BANGALORE.

Sir,

I have the honour to state that the Plaintiff in O.S.No.17 of 1928-29 on the file of this court(Mr.B.K. Garudachar Vs Mr. Mahamad Abbas Khan) has summoned you as a witness on his behalf and to request you to make it convenient to appear before this Court personally at 11 A.M. on 10th July 1929 to give evidence and to Produce the statement of Mr. Mahamad Abbas Khan before the Viswasvariah Committee both in public and in Camera. A sum of Rs.1-8-0 is sent herewith as batta.

Rs 1/8/- rec
DW.
2875

I have the honour to be,

Sir,

Your most obedient servant,

Sreenivasa Raghavachari
District Judge. 21/5/29

WD01858—GPB—30,000—24-1

Summons to a witness
Secs. 68 & 252. C. P. Cod.

Form No. 6. Criminal.

IN THE COURT OF

To

Whereas complaint has been made before me that

of has (or is suspected to have) committed

the offence of

nd it appears to me that you are likely to give material evidence for the ~~prosecu-~~
~~tion~~
~~defence~~

Seal

You are hereby summoned ~~to appear~~ before this Court on the

day of next at 11 o'clock in the forenoon

to testify what you know concerning the matter of the said complaint and not to depart thence without leave of the Court and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this

day of 192

S. R. Gundurao

Magistrate.

Seal.

N. B.—Whenever this form is used to summon a witness residing outside the State the penal provision about the issue of a warrant referred to above should be deleted.

ISSUED

150/C.R

(No Reply yet recd 23/7

Dear Sir,

With reference to your letter No.1! instant forwarding a summons for the production of certain documents in connection with C.C.No.271 of 1928-29 on the file of your Court, I am directed to state that it is not clear what exactly the papers required are, who marked them as exhibits and when and in what particular connection they are said to have been sent to the Committee by Mr.Machia. Nor is it clear what exactly is the document which is said to have been marked "Exhibit T

The papers required may kindly be specified more clearly.

Yours sincerely,

RB
11/7

[redacted].
The First Class Magistr
Second Cou

In reply please refer to
No. 69

Tel. Address :- "JURIST," Bangalore.

Copy of Order (in 22 sheets) Rec.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 20th July *1929*

C B 335

From

M. RAMACHANDRA RAO, ESQ., B.A., B.L.,
Government Advocate in Mysore,
Bangalore.

22/7/29
20

To
CHIEF SECRETARY.
20 JULY 1929

The Chief Secretary to the Government
of H. H. The Maharaja of Mysore,
Bangalore.

Sir,

With reference to your U.O. No.68-28/C.B. dated the 10th June 1929, I have the honor to state that the Question of Privilege (in re: production of the in camera evidence recorded by the Bangalore Disturbances Inquiry Committee) in Original Suit No. 17 of 1928-29 on the file of the District Judge, Bangalore Division (B.K. Garudachar VS. Mohamed Abbas Khan) was argued by me, on the 10th and 13th instants, and that orders were passed on the 15th instant, allowing the privilege claimed by us, and holding that the court has no power to compel the production of such documents. A certified copy of the order passed in the matter, is forwarded herewith for the information of Government.

2. A sum of Rs.2-13-0 only (Rupees Two and Annas Thirteen only) has been advanced from this office in this connection (as per details noted in the margin) for meeting the expenditure incurred in obtaining the certified copy of the order and I request that the amount may be arranged to be

(1) Cost of Stamp on copy Application.	...	Rs.0- 1-0.
(2) Cost of 22 Copying Sheets supplied for the copy.	...	Rs.2-12-0.
	Total:-	Rs.2-13-0.

remitted to this office at an early date.

I have the honor to be,
Sir,
Your most obedient servant,

M Ramachandra Rao

Government Advocate.

In the Court of the First Class Magistrate
Second Court, Bangalore
Criminal Case No 271 of 1928-1929
Deposition of Mr. C. E Noronha 7th witness for prose-
-cution Other name Mr. G. G. e Noronha
Age 37 Caste christian Occupation Assistant
Secretary Residence Bangalore
Duly Sworn

I remember the 30th of July 1928 In connection with that the Government ap-pointed committee to enquire into the causes of the disorder. The Government ap-pointed me as the Secretary of that Committee I produce the order appointing me as the Secre-tary - it is Exhibit P2 The Committee sat from 12-9-28 to 12-11-28 The Committee took down the statements of persons who came to give evidence. On 17-9-28 the chairman made a speech before the ~~Committee~~ Com-mencement of the proceedings. I was present then. The Proceedings etc of the Committee have all been printed by the orders of the Govern-ment. I produce Vol II (a) Ex P 4 of the Public evidence Vol II (b) Ex P 4 (b) produce it contains the speech of the chairman Ex P3 (b) - Exhibit P3 (b)

there is another speech of the chairman on Page 624 — Exhibit P4 (a) is the speech the Chairman has made a number of speeches but I cannot say definitely if in those speeches too he has given utterance to the assurance given by Government to the witnesses who were examined in Camera, as he has given in Exhibit P3(a) and Exhibit P4 (a). The Public evidence was taken in shorthand by stenographer - then it was reduced to longhand and then a typed copy was to be given to each of the members of the Committee. It is that evidence that is printed in the volumes produced and other volumes. When evidence was taken in Camera there was one Stenographer there — each stenographer was to be in for taking down in Camera evidence for 1 or 2 hours — after that another Stenographer used to come in. So far as the in Camera evidence was concerned, we used to so arrange, that only one Stenographer took down the evidence of all the witnesses examined in Camera. I was present when the in Camera evidence was being taken. The evidence taken in Camera used to be distributed

in sealed covers to the members

During the course of the enquiry we sent for the References we wanted from the Magisterial enquiry Records. The Magistrate used to send us the copies of the Records when we asked him any reference - he never sent the original I think, in one case when we wanted the original Record, he sent that to us, and we sent it back after our purpose was served. When a witness was examined by the Committee, we used to have the original, a copy of his evidence, if given by him, before the Additional District Magistrate, before the Committee examined him. One copy of the evidence was kept in the office and copies thereof were delivered to each member of the Committee before the witness was examined The In-Camera evidence was in Proof stage when the Committee finally decided not to print it. The evidence was being sent to the Press, within a week or ten days after it was taken. Even the In Camera evidence was being sent to the Press. I cannot say the last as to when the Committee decided not to print the in-camera evidence. We had a special staff for reading proofs. I was not going through all the proofs - here and there I used to go through some of the proofs.

Mr. Abbas Khan was one of ~~the~~ those who was examined by the Committee in public from 1-10-28 and it was continued on 2-10-28

on which date it was concluded. From page 461 Vol II (a) to page 500 – is the evidence of other Abbas Khan. Vol II (b) is Exhibit P4. The evidence of other. Abbas Khan is Exhibit P4 (a). On page 462 there is question by the Chairman to the accused and his answer – it is marked Exhibit P4 (c). On page 465 – answer and question is Exhibit P4 (d). On page 468 – Question and answer is Exhibit P4 (e) – Exhibit P4 (f) is another question and answer on page 468. Exhibit P4 (g) on page 469 is another question and answer. On page 472 – Question and answer is Exhibit P4 (h). On page 474 – Questions and answers are Exhibit P4 (i) and Exhibit P4 (j) on page 475 – Question and answer is Exhibit P4 (k). On page 480 – Question and answer is Exhibit P4 (l). On page 481 – there is Exhibit P4 (m). On page 482 – entry is Exhibit P4 (n). On page 483 – entry is Exhibit P4 (o) – On page 485 – entry is Exhibit P4 (p) On page 493 – entry is Exhibit P4 (q) – on page 496 – entry is Exhibit P4 (r).

I cannot remember what all the accused stated in Camera – at this distance of time. I have not looked into that evidence for the last six months. I cannot say definitely with reference to Exhibit P4 (n) whether the accused gave any names referred to therein, when he was examined in Camera. I can say so much that accused must have given the names

in camera since he has stated so in his answer
marked Ex. P4 (n) If the evidence is put in my
hands, I can say, by repeat ; my memory.
I was responsible for the safe custody of all the
evidence after they were printed and kept in the
office. In December 1978 I think I received sum
mons from the Bench of 1st class magistrate to
produce the in camera evidence in this particular
case. When I received summons, I did not
attend Court so I wrote to the Magistrate for an
adjournment, as I had to consult the Govern
ment about it I got a reply from that Court
that the case has been adjourned. I see a copy,
it is Exhibit P5 — the entry is Ex P5(a) which
contains the substance of the letter I wrote to
the Chief Secretary. Exhibit P5(a) letter must
have been written after a few days I received
the summons from the Bench Court. Exhibit P5(b)
is the order of the Government on my letter. After
I got the order Exhibit P5(b) I appeared in Court
and claimed privilege and did not produce
the in Camera evidence. There was a case
in the City Magistrate's Court between Mr. L.S. Raja
and Mr. B. e Vagappa and then I did go to Court
and claimed privelege for the in camera evidence
I was not sure if I produced such an order as
Exhibit P5 (C) when I claimed the privelege in

in that case. In that case, I was asked to give oral evidence, as the Privilege was held against me, but I did not give oral evidence as I said that I would consult Government and then give evidence. In the Bench Court also in this case, I claimed privilege, but it was disallowed In that case too I asked the Court that I would give evidence after I consulted the Government.

In this Case the Gokernment have asked me to claim privilege regarding the In Camera evidence of the accused.

In Mr. Nagappa's Case, after the privilege was disallowed, I think, I did appear before Court thereafter to give evidence.

I cannot remember without referring to the records, regarding the date when the Govern ment gave instructions to me. On 11-2-29 I informed the Bench Court that I would consult Government regarding the in-Camera evidence and then give oral evidence - I must have consulted the Government that very day or next day or somewhere by that time I did not consult the Government today as to what I have to say regarding the in Camera evidence if any question is put to me I was asked to produce certain documents today by this Court, and I was asked to claim privilege for that

Document by Government and I have not produced it The Document for which Government claims privelege is the Instructions of the Government to the Secretary Bangalore Disturbances enquiry Committee after receipt of summons in C.C. No 266/28-29 on the file of the City Magistrate, Bangalore (Mr. L. S. Raju VS Mr B. C Nagappa) and in C.C. No 243/28-29 on the file of the 1st Class Bench of Magistrates, Bangalore (Mr. D. Shama Rao VS Mr. Abbas Khan). I did not receive specific instructions in both these cases, but I have received in one case probably the Bench Court summons and for that I claim privelege I did not take any ~~specific~~ special instructions today from Government regarding the in Camera evidence because I had received general instructions from the Government to claim privelege for in Camera evidence. Letter No. E 828 dated 30 11 28 from the Secretary Bangalore Disturbances Enquiry Committee to the Government is not with me. and so I have not brought it, All that was said in Camera was said in official confidence. I do not think, the accused was holding any office under the Government The accused did not communicate to me personally in official

official confidence but as I was in the room I heard what he said. The chief Secretary has just handed over to me in Court the Evidence of the accused given in Camera. The chief Secre-tary has given instructions to me to ... privileges for the production and looking into that evidence. I remember that the evidence of the accused taken by the Additional District Magistrate was sent over to the Enquiry Committee I do not remember if any documents were produced by the accused in-camera — I cannot say definitely if accused put in any Documents when he was examined in Camera — he ought have put, I do not know. I see a state-ment — it is Exhibit P6 — it was given to me by the accused, as I was the Secretary of the Committee. Exhibit P6 was received by me before the evidence started. Eight wit-nesses were examined purely in Camera — it included also official witnesses so far as I can recollect I could not give the definite number of official witnesses examined in Camera These eight witnesses were examined only in Camera and about twenty three witnesses were examined both in public and in Camera. I have maintained a Diary; which discloses the names of witnes-

witnesses examined, time when they were examined and members who were present etc. In that Diary I might have noted the subject matter of business meetings held - beyond that I have not maintained a regular minute book.

Cross Examination :-

The witnesses who came for examination there were not administered on oath. After the evidence was recorded, it was not read over to the witnesses and they were not asked whether the evidence was correct or not - no signatures were taken to the evidence given. I did not take any notes of the evidence. I did not compare the shorthand copy with the long hand copy and see if both tallied and whether the long hand was a correct copy of the shorthand. I do not know shorthand. I used to get my long hand copies of the evidence. I used not to send them to the witnesses who gave evidence for noting whether the evidence was correct or not. Each member when he used to get the long hand copy used to correct his own questions. All the corrections were embodied in one statement and that was sent to the Press. I did not compare the printed copy with the final thing which was sent to the Press. Mr Machia, I think, did raise objections to send

send the in Camera evidence which he recorded when the Committee sent for them. There was some correspondence regarding that between me and Sir Macha. After some correspondence after. Macha did send the in Camera evidence

I not remember how I got Exhibit P6 — how Exhibit P6 came to my hands. I am not sure if Exhibit P6 was actually given to me by the accused. When I stated "given me" in the Examination in chief I do not mean that he personally gave it to me — I mean thereby that Exhibit P6 statement of the accused came to my hands. Iswaran Committee is disclosed all the papers are handed over to the Government the order of Government under which the Books were printed might be in the records — I have no copy with me. Till I see the records I cannot say definitely on ~~that~~ the point It is not printed in the Books exhibited that they were printed under the orders of the Government

Re-Examination:-

Some witnesses wrote to the Committee saying that some mistakes had crept in their evidence and they would like to have an opportunity of correcting them and they were allowed to go over to the office and look over the evidence and note down their

their correction. If the Chairman was satisfied that if the corrections were bona-fide then he would permit the corrections being made I do not think the accused made any such corrections.

Read over and admitted to be Correct

(Signed) X. Pherozeshaw Poonegar
I Class Magistrate
II Court
16/7/29

Copy

M/

Magistrate of the 1st Class
II Court
Bombay